

Oldham

Supplementary

Planning

Document

Vibrant Centres

Part 1

Adopted July 2012



Oldham
Council

■	PART ONE: Vibrant Centres	
1	What we are doing	3
2	Why we are doing it	4
3	How we are doing it	7
4	Main Matters to be Addressed when Considering Proposals	8
	Matter 1: Need within the Local and Boroughwide Context	9
	Matter 2: Concentration	9
	Matter 3: Clustering	10
	Matter 4: Health and Well-being	11
	Local Environment and Amenity	12
	Matter 5: Opening Hours	12
	Matter 6: Disposal and Waste and Litter	12
	Matter 7: Odour	13
	Matter 8: Traffic and Highways	13
	Matter 9: Community Safety and Security	14
	Matter 10: Licensing	15
	Matter 11: Developer Contributions	15
■	PART TWO: Shop and Business Frontage Design Guidance	
5	Shop and Business Frontage Design Guidance Introduction	16
6	Architectural Elements of the Shop Front	23
7	General Design Principles	25
8	Access	29
9	Signage	31
10	Colour, Materials and Maintenance	36
11	Lighting	39
12	Security	41
13	Other Considerations	45
■	APPENDICES	
14	Appendix 1 - Checklist and Useful Contacts and Information	48
15	Appendix 2 - Extract from Local Planning Policy 15	52
16	Appendix 3 - Extract from Local Planning Policy 9	53

■ Figures	
Figure 1 Oldham Market Street	5
Figure 2 Events in Oldham Town Centre	6
Figure 3 Various design elements of a shop front	23
Figure 4 Examples of quions	24
Figure 5 Example of poor vertical and horizontal emphasis and symmetry	25
Figure 6 Example of good vertical and horizontal alignment and symmetry	26
Figure 7 Examples of three dimensional modelling	27
Figure 8 Good example of provision of level access in a listed building	30
Figure 9 Good example of a traditional fascia	32
Figure 10 Good example of a modern fascia	33
Figure 11 Example of obtrusive signage	33
Figure 12 Examples of appropriate window lettering	35
Figure 13 Good examples of colour schemes	36
Figure 14 Good example of a colour scheme	36
Figure 15 Good example of traditional shop front colour scheme	37
Figure 16 Good example of external building lighting	40
Figure 17 Good example of internal lighting	40
Figure 18 Example of poor shutter design	42
Figure 19 Good example of good internal shutters	43
Figure 20 Good example of cash machine design	47
■ Tables	
Table 1 Examples of A5 uses (please note, this is not an exhaustive list)	10

Availability of Document

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1 What we are doing

- 1.1** Oldham's local planning policies were updated in November 2011⁽¹⁾. A key aim for Oldham is to promote and enhance the vitality and viability of all the borough's Centres. Our Centres act as focal points for commercial, shopping, social, civic, community and cultural activities. They play a major part in the borough's identity and image.
- 1.2** This Supplementary Planning Document (SPD) provides further guidance on local planning policies, particularly Policy 15 `Centres`.
- 1.3** The SPD is in two parts: part one provides further guidance on the implementation of local policies and part two provides further guidance on shop front and business premises design.
- 1.4** The objectives of the SPD are to:
- a. Provide clear and consistent guidance for promoting and maintaining the vitality and viability of Oldham Town Centre and the borough's other Centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill.
 - b. Provide clear and consistent guidance for new proposals and for changes of use for food and drink uses including hot food takeaways.
 - c. Manage the concentration and clustering of hot food takeaways.
 - d. Manage the impact on the local environment or the amenity of neighbouring residents and business uses.
 - e. Ensure all development contributes positively to the visual appearance of the area during opening and non-opening hours.
 - f. Manage impacts on traffic generation or highway safety as a result of these developments.
 - g. Contribute to community safety.
 - h. Provide guidance and advice on the design of shop fronts and business premises.
- 1.5** The SPD applies to both new developments and proposals involving change of use.
- 1.6** The SPD is a material consideration and will assist applicants, developers and the council in determining planning applications. Anybody submitting a relevant proposal is encouraged to read the SPD before submitting a planning application.
- 1.7** The SPD applies to the whole borough except that part which is the planning responsibility of the Peak District National Park Authority.
- 1.8** Our planning policies form part of a co-ordinated approach with other partners to improve Oldham Town Centre's offer and to help achieve the plans of the borough's Centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill.
- 1.9** Please note that in the remainder of the SPD reference to `other Centres` includes the borough's Centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill.

1 Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

2 Why we are doing it

- 2.1** We recognise and understand that there is national and local concern for declining high streets across the country. This is a key issue that needs to be addressed by the retail industry, planners and local communities.
- 2.2** Oldham Town Centre and the borough's other Centres are the hub of their communities for social, shopping, civic, cultural and commercial activities. They provide the focus for a range of important facilities that are accessible to residents in the borough and visitors. Local markets offer an important service to local residents and visitors and add diversity to the borough's retail offer. A good retail offer is key to the success of other facilities in these Centres and it is vital that this retail function is protected and improved, where possible.
- 2.3** The council's aim is to facilitate and maintain diverse and vibrant Centres. Food and drink uses may add to the diversity of the Centre. However the downside is that they may become an issue if there is too large a concentration, particularly if their main hours of operation are in the evening. In such cases, they may reduce the variety and create a 'dead' area or frontage during the day so reducing the vibrancy of the Centre. This can have implications for neighbouring businesses and business investment, as well as for the environmental quality of an area.
- 2.4** The potential for Oldham Town Centre is substantial, especially with the benefit of Metrolink, which will improve connections within and beyond the borough.

Figure 1 Oldham Market Street



- 2.5** In Oldham Town Centre a real challenge is posed by the need to address its current reputation for binge-drinking and anti-social behaviour. This can put off sections of the community from visiting and detract from the image of Oldham.
- 2.6** The over-concentration and clustering of certain uses in an area, such as food and drink uses, may have an adverse impact on the surrounding properties and neighbouring uses. The levels of disturbance from noise, odour and possible anti-social behaviour may be increased when these uses are clustered together. Within Oldham Town Centre and the borough's other Centres it is important to ensure that certain uses do not detract from their primary retail function.
- 2.7** Development needs to be managed sensitively so as not to achieve unwanted outcomes. It is important that matters such as health and well-being, personal and road safety, protecting people and workplace amenity, and impacts on public realm and local environments are fully considered when assessing planning proposals.
- 2.8** The challenges are to promote and maintain the quality of Oldham's shopping offer by providing opportunities for new development and to create a relaxed and safe environment with appropriate uses.

Picture 1 Oldham Coliseum



2.9 The Invest in Oldham prospectus has been published outlining the council's ambition for Oldham Town Centre. The prospectus is available to view at <http://www.investinoldham.com>.

Figure 2 Events in Oldham Town Centre



3 How we are doing it

- 3.1** National and local planning policy promotes vitality and viability in Oldham Town Centre and the borough's other Centres.
- 3.2** Policy 15 `Centres` provides specific details regarding Oldham Town Centre and the borough's other Centres (please see Appendix 1 for Policy 15).
- 3.3** The following local planning policies are also relevant: Policy 16 `Local Services and Facilities`, Policy 5 `Promoting Accessibility and Sustainable Transport Choices`, Policy 9 `Local Environment`, Policy 20 `Design` and Policy 25 `Developer Contributions`. Other local planning policies may also be relevant to individual planning applications.
- 3.4** In addition, all proposals must protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves, where appropriate.
- 3.5** A Habitats Regulations Assessment Screening Opinion has been carried out on the Vibrant Centres SPD. The Assessment concluded that, providing mitigating plans, policies and strategies are adopted and implemented appropriately through the development management process, development managed by the Vibrant Centres SPD can proceed without harm being caused to the special interest of the Rochdale Canal Special Area of Conservation. This Opinion is based on the Screening Opinion supplemented by the experience and knowledge of the Greater Manchester Ecology Unit in assessing the impacts of developments considered to have the potential to affect the special interest of the Canal.
- 3.6** The council will apply appropriate planning conditions to all new and change of use permissions.

4 Main Matters to be Addressed when Considering Proposals

Definitions

- 4.1** There are a range of retail, leisure, culture and tourism activities covered by this SPD. These can include shops, banks, cinemas, theatres, concert and bingo halls, restaurants, pubs, bars, hot food takeaways, night-clubs, casinos, museums, galleries and hotels (please note this list is not exhaustive).

Use Classes

- 4.2** The planning system makes a distinction between the following uses: shops (Class A1), restaurants and cafes (Class A3), drinking establishment (Class A4) and hot food takeaways (Class A5) as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is currently required to change the use of A1 premises to an A3, A4, or A5 use.
- 4.3** For food and drink related proposals, the plans and information submitted with a planning application should give a clear indication of whether the proposed use falls within the A3, A4 or A5 use class and should be in line with the council's Validation Checklist. When determining the primary use of an application, the proportion of floorspace dedicated to table and chairs and/or the proportion of floorspace dedicated to preparing food relative to that for the customer waiting area may be taken into consideration, as well as other factors where appropriate.
- 4.4** Establishments whose primary business is for the sale of hot food for consumption off the premises are classed as an A5 use in line with the Use Classes Order, as amended. In some instances a proposal may provide an ancillary A5 takeaway service. For example, a restaurant or cafe that also has a hot food takeaway counter. To determine if the A5 use is ancillary to the primary use applicants may find it helpful to apply the following test: whether the A5 ancillary use can practically and viably operate on its own if the main use were to cease. If it is likely that the A5 use can operate on its own then it is not likely to be considered an ancillary use. Ultimately the decision on whether one type of use is ancillary to another is a matter to be determined by the courts.
- 4.5** Policy 15 `Centres` sets out the criteria for dealing with proposals across the borough. The matters considered below provide further advice and guidance on the criteria in Policy 15 in relation to new developments and changes of use, including Matters 1 - 4 which address criterion a in relation to whether the proposal is required and how it relates to the context of the area. Matters 5 - 11 address the remaining criteria.

Matter 1: Need within the Local and Boroughwide Context

When determining planning applications the council will have regard to:

- a. The borough's relevant plans, programmes, strategies or masterplans for Oldham Town Centre and the borough's other Centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill or local shopping parade where the proposal is located;
- b. If the proposal is located elsewhere, then the relevant plans, programmes, strategies or masterplans for that general area;
- c. The number of main town centre uses (including open and unimplemented permissions) in the Centre or general area and the cumulative impact; and
- d. How the proposal enhances the vitality and viability of the Centre and general area where it is located.

- 4.6** Development will be assessed on its individual merits having regard to how it affects the vitality and viability of that area.

Matter 2: Concentration

When determining planning applications the council will have regard to the following:

- a. Within Oldham Town Centre no more than 5% of the ground floor frontage shall consist of A5 uses in the following locations:
 - i. Central Shopping Core (Oldham Town Centre's primary shopping area)
 - ii. Oldham Town Centre Conservation Area
 - iii. Union Street
 - iv. Yorkshire Street
 - v. George Street
 - vi. Retiro Street
 - vii. Queen Street
 - viii. Waterloo Street
 - ix. Mumps (between Beever Street and Walshaw Street)
- b. Within Oldham Town Centre, but outside the above areas, no more than 10% of the ground floor frontage shall consist of A5 uses.
- c. Within the borough's Centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill no more than 10% of the ground floor frontage shall consist of A5 uses.
- d. Elsewhere within the borough, including local shopping parades, no more than 10% of the ground floor frontage shall consist of A5 uses.

Matter 3: Clustering

When determining planning applications the council will have regard to the following (subject to the ground floor frontage thresholds set out in Matter 2):

- a. No more than two A5 uses should be located adjacent to each other;
- b. Between individual or groups of A5 uses, there should be at least two non A5 uses.

4.7 Note: for the purposes of implementing the policy, the calculation of uses within a frontage includes any blank elevations without shop fronts, and the frontage refers to the whole frontage in which the unit is located and not the continuous total of all frontages on that street.

Table 1 Examples of A5 uses (please note, this is not an exhaustive list)

Fish and Chip Shops
Indian Takeaway
Chinese Takeaway
Kebab Takeaway
Chicken Takeaway
Pizza Takeaway

4.8 The over-concentration and clustering of A5 uses, particularly those that are open during the evening and night, can lead to `dead` frontages during the day. This can undermine the retail function of any neighbouring retail premises and impact on the vitality and viability of the area.

4.9 The council is committed to developing a diverse ambience in Oldham Town Centre and the borough's other Centres. A key aim is to attract new visitors. When one use dominates an area it may have a detrimental affect on the image of that area and the way it is perceived by potential visitors.

4.10 The locations and the thresholds in Matter 2 have been identified for a number of reasons including: to protect the retail function of Oldham Town Centre's primary shopping area; to protect the borough's other Centres; to protect heritage assets; and to protect key gateways in the borough.

4.11 Local planning policy 15 `Centres` sets out the criteria for dealing with proposals located within primary shopping frontages and should be read in conjunction with the SPD.

4.12 Proposals involving stand-alone uses will be assessed in accordance with relevant national and local planning policy and the criteria set out in the SPD.

Matter 4: Health and Well-being

When determining planning applications the council will have regard to the borough's health and well-being priorities, plans and programmes, including the Sustainable Community Strategy and any relevant NHS plans. These have identified, amongst other things, health as an issue to be addressed. In particular, health inequalities and problems associated with people and children who are overweight or obese.

- 4.13** Evidence has identified health as a key issue to be addressed in the borough. It acknowledges the issue that people in Oldham are not as healthy as people across the country and significantly less healthy than the parts of the country with the best life expectancy. Also the rate of improvement in health in Oldham is not as good as that across the country.⁽²⁾
- 4.14** Childhood obesity in Oldham is a cause for concern. More than a quarter of all children in Oldham are overweight or obese. Therefore promoting healthy eating across the borough is a key action.⁽³⁾ The strategy aims to change the environment in which our children grow and develop so that they can have a healthy weight. One of the ways identified to achieve this is to limit the health impacts of hot food takeaways on children.
- 4.15** In Oldham approximately one quarter of the adult population are obese (this is approximately 17,600 men and 20,700 women). Obesity causes changes in the working of the human body that lead to disease, for example, of the heart and circulation, lungs and breathing, the joints and some cancers. Obesity can lead to disability and premature death.⁽⁴⁾ Obesity is hard to manage. It is difficult for people to lose weight and return again to a healthy weight once obese, and so prevention is particularly important.
- 4.16** Oldham Town Centre hosts a large student population with the presence of the Oldham Sixth Form College, Oldham College and University Campus Oldham. It is important to promote healthy eating choices and ensure there is a variety of choice for these students.
- 4.17** The SPD contributes towards promoting and improving the health and well-being of the borough's population and it supports local planning policy objective S05⁽⁵⁾ and sustainability objective SOC10⁽⁶⁾ by helping to manage the impact of hot food takeaways and food and drink uses on the borough's residents.

2 Oldham's Community Strategy 2008-2020 and Local Area Agreement 2008-2011, August 2008

3 The Oldham Healthy Weight, Healthy Lives for Children in Oldham Strategy 2010-2015, 2010

4 `Transitional Joint Strategic Needs Assessment for Oldham Domain Three Health & Well Being, Oldham Partnership, April 2012`

5 Page 37, Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

6 Page 19, Sustainability Appraisal, Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

Local Environment and Amenity

- 4.18** The state of the local environment has a direct impact on our quality of life, health and well-being. Issues such as noise, waste, dumping and odour can adversely affect people's health and quality of life. It is important, therefore, to make sure that development does not adversely affect the local environment or amenity of the area.
- 4.19** Amenity is regarded as the desirable features of a place that ought to be protected in the public interest.⁽⁷⁾
- 4.20** There should be no unacceptable harm from the proposal on the amenities of neighbouring properties, including cumulative impact arising from other similar uses within the vicinity.
- 4.21** Policy 9, Table 7, provides further information on air quality.⁽⁸⁾

Matter 5: Opening Hours

When determining planning applications the council will seek to minimise any impact on the local environment and amenity.

Appropriate opening hours will be applied to planning permissions. The council will have regard to:

- a. Any negative impacts on the amenity of the surrounding area including any business uses and residents.
- b. The character and function of the local area.

- 4.22** Opening hours may be applied by way of planning condition or legal agreement to premises situated in or adjacent to residential or work place areas, to ensure that disturbance to local residents and workers is avoided. Appropriate opening hours will be determined based on the character, function and amenity of the surrounding area.

Matter 6: Disposal and Waste and Litter

On-site provision should be made for the storage of commercial bins and all bins should be secured within this area. Bins should be provided on the premises for the disposal of litter.

Grease traps should be installed and maintained on all drains of commercial premises where hot food preparation is undertaken to prevent blockages and the flooding of properties.

7 Page 77, Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

8 Page 78, Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

- 4.23** Development may generate a significant amount of waste. Litter resulting from development uses, including hot food takeaways, may often be deposited in adjacent streets and car parks. The provision of litter bins should help minimise this issue.
- 4.24** Commercial bins should be of an appropriate size to store all of the waste products disposed, be appropriately sited and screened and should be in an accessible location so that proprietors, waste collection services and any maintenance services can access them with minimal disturbance to neighbouring properties. Where possible commercial bins should have securely fastened lids to prevent overspill of waste and fly tipping.
- 4.25** Please note it is the applicant's responsibility to arrange a Waste Disposal contract for the collection of the type of waste being disposed.
- 4.26** Applicants and developers should refer to the checklist in Appendix 1 for further guidance on waste related issues.

Matter 7: Odour

When determining planning applications the council will seek to minimise the impact of odour emissions on neighbouring residents and business uses.

Applicants will be required to identify all potential sources of odour and any appropriate mitigating measures through an assessment. The measures must be agreed with the council and implemented before development commences.

The odour assessment must have regard to the intensity, character, time and duration of the odour released.

- 4.27** Odour emissions associated with cooking processes can be a problem. Submitted plans should indicate the location of a flue to extract odours (please see part 2 of the SPD for guidance on flue and extraction unit design). External flues that are proposed on a property in joint ownership or on a party wall will require legal consent from all parties before any development may commence. Applicants and developers should refer to the checklist in Appendix 1 for further guidance on the design, size and location of flues.

Matter 8: Traffic and Highways

When determining planning applications the council will have regard to whether or not the proposal would have an adverse impact on traffic generation on the highway network and the free flow of traffic, and on highway and pedestrian safety.

- 4.28** New development may result in increased parking and footfall directly outside the premises. This may have an impact on the free flow of both traffic and pedestrian movement and safety. On some highways restrictions are in place that prevents people from parking or waiting on the highway. This may lead to customers parking on nearby residential side roads which can cause a nuisance to the occupiers of

the residential properties. Especially in the evening when the level of noise created by the opening and shutting of car doors and the manoeuvring of vehicles can reach an unacceptable level.

- 4.29** Consideration will be given to the availability of safe and convenient facilities for car and cycle parking.
- 4.30** When determining the level of parking spaces that should be provided the council will have regard to, amongst other things, the nature and scale of the development, the character and setting of its location, the current and future levels of public transport accessibility and opportunities for walking and cycling in the area, the safety of road users and pedestrians, the need to reduce congestion and carbon emissions and improve air quality.⁽⁹⁾
- 4.31** Local planning policy 5 'Promoting Accessibility and Sustainable Transport Choices' addresses the impact of development proposals on the traffic and highway network.⁽¹⁰⁾ The council will ensure the safety of pedestrians, cyclists and other vulnerable road users by ensuring appropriate highway safety measures and schemes are implemented as part of development proposals.

Matter 9: Community Safety and Security

When determining planning applications the council will have regard to whether or not the proposal contributes towards community safety and security, and does not contribute to increased crime and disorder.

- 4.32** Safety and security affect quality of life and play a key role in establishing sustainable communities. Certain uses, such as hot food takeaways and night-time economy-related uses, may become potential 'hot spots' for crime and disorder.
- 4.33** 'Secured by Design', the official UK police initiative, provides advice and guidance on crime prevention at the design, layout and construction stages of commercial premises.
- 4.34** The council's Design Guide⁽¹¹⁾ details how development proposals must contribute to making routes, streets and public spaces as safe, free from crime and accessible as possible. It also details how development must minimise opportunities for crime against property and the occupants of buildings without detracting from the quality of the area.
- 4.35** Part 2 of the SPD provides further advice and guidance on design of shop frontages and business premises, including safety and security.

9 Page 63, Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

10 Page 62, Oldham Joint Core Strategy and Development Management Policies Development Plan Document, November 2011

11 Oldham Council, 2007

Matter 10: Licensing

- 4.36** Please note it is the applicant's responsibility to apply for a Premises Licence for the sale of alcohol, entertainment or late night refreshment. Late night refreshment is defined as the sale of hot food or drink between the hours of 11.00pm and 5.00am.⁽¹²⁾ Please note that restrictions placed on opening hours through a condition on a planning permission overrides any opening hours granted through a Premises Licence. Applicants and developers should refer to the checklist in Appendix 1 for further guidance on licensing issues.

Matter 11: Developer Contributions

- 4.37** Local planning policy 25 `Developer Contributions` seeks developers and/or applicants to provide or contribute through a commuted sum to the costs of appropriate infrastructure to mitigate any effects of the proposal.
- 4.38** Infrastructure contributions may be sought unless it can be demonstrated by the developer or applicant that it is not financially viable and would prejudice the proposed development, or that there are wider community or regeneration benefits. Contributions may be sought to improve existing infrastructure or provide new infrastructure where appropriate. This may include, amongst other things, public realm improvements, including new litter bins and CCTV cameras, health provisions and supporting relevant health programmes. This is not an exhaustive list.
- 4.39** When negotiating developer contributions, the council will have regard to the nature and scale of the proposed development. Developer contributions should be in line with national policy. The tests for planning obligations are that they must be: necessary to make the proposed development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 4.40** Please see Part 2 `Shop and Business Frontage Design Guidance` of the SPD for guidance on visual appearance and design.